



City of NORFOLK

C: Dir., Department of Public Works

To the Honorable Council
City of Norfolk, Virginia

October 23, 2012

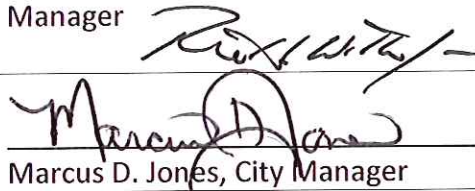
From: John M. Keifer, Director of Public Works

Subject: Ordinance to Approve a Deed of Easement and Temporary Construction Easement on property located at 3022 Cape Henry Avenue, owned by Calvin Leroy King.

Reviewed: Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: 3/7

Approved:


Marcus D. Jones, City Manager

Item Number:

R-6

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Department of Public Works, City of Norfolk

III. **Description**

This agenda item is an Ordinance authorizing the City of Norfolk to acquire a permanent right-of-way easement across a small portion of private property where new ADA accessible sidewalk improvements are to be installed along the northern line of Cape Henry Avenue in the Ballentine Place neighborhood. A temporary construction easement on a portion of the property owned by Calvin Leroy King is needed to provide sufficient area to work on the improvements, while the construction project is underway.

IV. **Analysis**

An ADA accessible ramp at the point where the sidewalk intersects the street is somewhat larger than older ramps, a permanent right-of-way easement across a small portion of property at the southeast corner of the 3022 Cape Henry Avenue is needed. A total of 56 square feet of private property will be impacted by the permanent easement. An exhibit showing the location of both the permanent right-of-way easement as well as the temporary construction easement is attached.

V. Financial Impact

Based on the value of the easement and the likely impact on some landscaping at the northeast corner of this property, \$300.00 is to be authorized to acquire this permanent right-of-way easement.

VI. Environmental

There are no environmental issues associated with this property.

VII. Community Outreach/Notification

Notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

There is no board/commission action required for this specific request.

IX. Coordination/Outreach

This letter has been coordinated with the Department of Public Works, Department of General Services – Division of Real Estate and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (showing the easement to be acquired at 3022 Cape Henry Avenue)
- Exhibit B (legal description)
- Exhibit C (Deed of Easement)

Form and Correctness Approval:

By Nathan S. Saman
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By John M. Kauf
DEPT.

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 300.00 . 4000-10-4101
Account
Shirley D. Lee 10/5/12
Director of Finance Date

BCM

ORDINANCE No.

B-6
AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERPETUAL RIGHT OF WAY EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FROM CALVIN LEROY KING, OVER CERTAIN PROPERTY LOCATED AT 3022 CAPE HENRY AVENUE, NORFOLK, VIRGINIA, AND AUTHORIZING THE EXPENDITURE OF THE SUM OF \$300.00 FROM FUNDS HERETOFORE APPROPRIATED, FOR THE PURCHASE OF THE EASEMENTS.

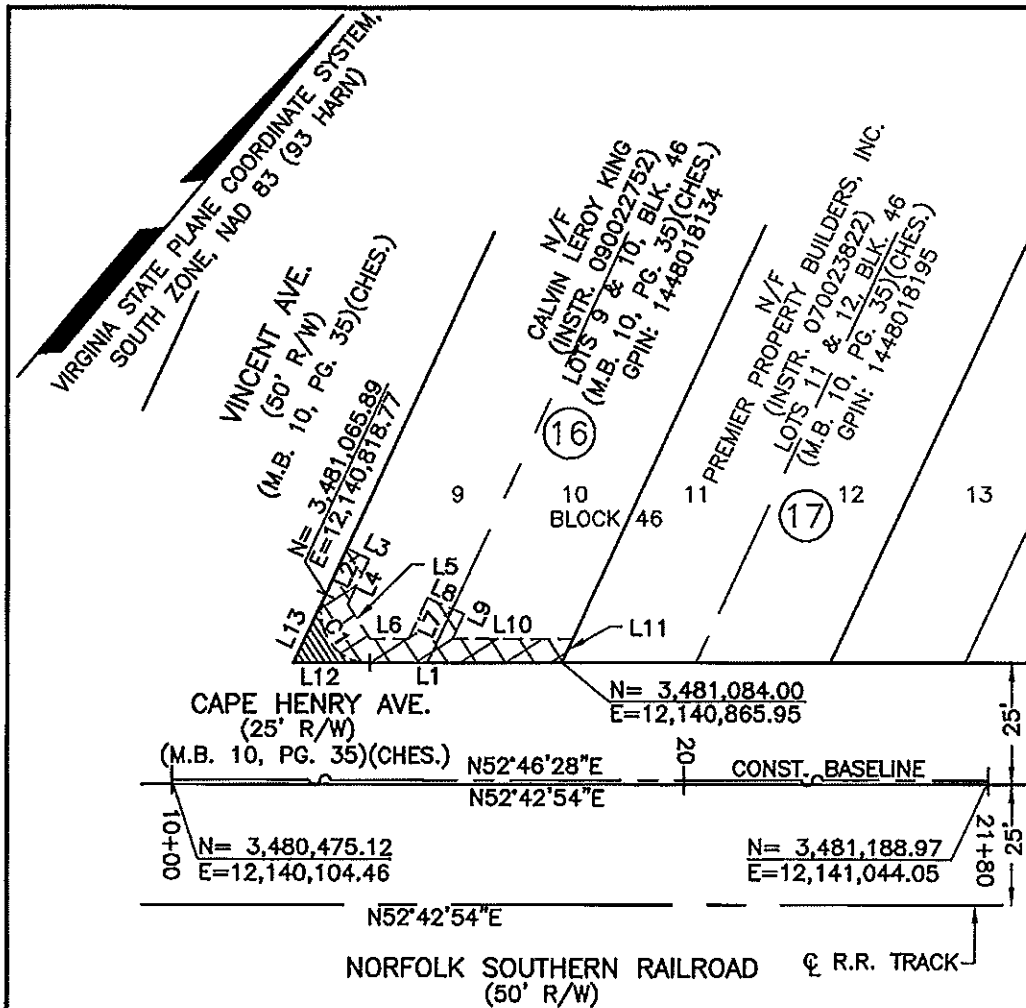
BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the acquisition from Calvin Leroy King of a perpetual right of way easement and a temporary construction easement over certain property located at 3022 Cape Henry Avenue, Norfolk, Virginia, which easements are more particularly shown on Exhibit A and described in Exhibit B, both of which are attached hereto, for the sum of \$300.00, is hereby authorized and approved.


Section 2:- That the City Manager is authorized to accept the Deed of Easement, a copy of which is attached hereto as Exhibit C, to pay the purchase price for said easements in the amount of \$300.00 from funds heretofore appropriated, and to do all things necessary and proper to effect the conveyance of the easements to the City.


Section 3:- That the City Manager is further authorized to correct, amend or revise the Deed of Easement as he may deem advisable in order to carry out the intent of the Council.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.



①⑥ = PARCEL REFERENCE DESIGNATION

 = TEMPORARY CONSTRUCTION EASEMENT TO BE DEDICATED TO THE CITY OF NORFOLK

 = PERMANENT RIGHT-OF-WAY EASEMENT TO BE DEDICATED TO THE CITY OF NORFOLK

SEE SHEET 2 OF 2 FOR NOTES, AREA & CURVE DATA

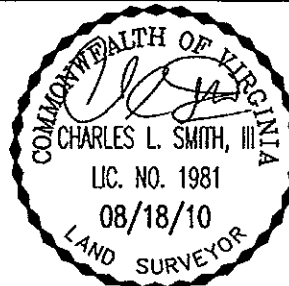

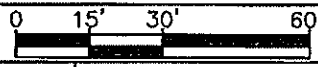


EXHIBIT SHOWING
PERMANENT RIGHT-OF-WAY EASEMENT
AND
TEMPORARY CONSTRUCTION EASEMENT
TO BE DEDICATED TO
THE CITY OF NORFOLK, VIRGINIA
LOCATED ON PROPERTY OF
CALVIN LEROY KING
(INSTR. 090022752)
NORFOLK, VIRGINIA

 Blakeway Corp engineering surveying project management 770 INDEPENDENCE CIRCLE, SUITE 100 VIRGINIA BEACH, VIRGINIA 23455 TEL 757-226-0081 FAX 757-226-8765	GRAPHIC SCALE 	
	SCALE: 1"=30'	DATE: 11/17/09
	PROJ.: CAPE HENRY16	FILE NO.: 6022.31
	F.B. 12 PG. 78	SHEET 1 OF 2

NOTES

1. THE MERIDIAN SOURCE OF THIS SURVEY IS BASED ON THE CITY OF NORFOLK GEODETIC CONTROL NETWORK WHICH REFERS TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (93 HARN). COORDINATE VALUES (IF SHOWN) ARE EXPRESSED IN U.S. SURVEY FEET.
2. THIS EXHIBIT WAS PREPARED FOR PERMANENT RIGHT-OF-WAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT PURPOSES ONLY AND DOES NOT INTEND TO SHOW ANY OTHER EASEMENTS, RESTRICTIONS AND ENCUMBRANCES THAT MAY AFFECT SAID PROPERTY AS SHOWN.
3. PROPERTY LINE INFORMATION SHOWN IS BASED ON VARIOUS DEEDS AND PLATS OF RECORD AND FIELD MEASUREMENTS.
4. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY OR SUBDIVISION OF LAND.
5. PERMANENT RIGHT-OF-WAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, SHOWN HEREON, ARE TO BE ESTABLISHED/DEDICATED BY DEED OR AGREEMENT.
6. CONSTRUCTION PLAN REFERENCE: "CAPE HENRY AVENUE DRAINAGE IMPROVEMENTS" PREPARED BY BLAKEWAY CORP.

AREA DATA PERMANENT RIGHT-OF-WAY EASEMENT		
PARCEL	SQUARE FEET	ACRES
TOTAL SITE	6,645	0.153
R/W EASEMENT	56	0.001
RESIDUAL	6,590	0.151

AREA DATA TEMPORARY CONSTRUCTION EASEMENT		
PARCEL	SQUARE FEET	ACRES
EASEMENT	405	0.009

LINE DATA		
LINE	BEARING	DISTANCE
L1	S 52°42'54" W	39.43'
L2	N 12°36'29" W	10.46'
L3	N 77°57'11" E	5.00'
L4	S 12°36'29" E	10.41'
L5	S 69°56'48" E	8.42'
L6	N 52°42'54" E	8.07'
L7	N 12°58'05" W	9.24'
L8	N 76°22'38" E	8.21'
L9	S 12°58'05" E	5.62'
L10	N 52°42'54" E	24.65'
L11	S 12°36'29" E	5.50'
L12	S 52°42'54" W	15.60'
L13	N 12°36'29" W	15.60'

CURVE DATA						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C1	10.00'	114°40'36"	20.01'	15.60'	16.84'	S69°56'48"E



EXHIBIT SHOWING
PERMANENT RIGHT-OF-WAY EASEMENT
AND
TEMPORARY CONSTRUCTION EASEMENT
TO BE DEDICATED TO
THE CITY OF NORFOLK, VIRGINIA
LOCATED ON PROPERTY OF
CALVIN LEROY KING
(INSTR. 090022752)
NORFOLK, VIRGINIA

Blakeway Corp
engineering | surveying | project management
770 INDEPENDENCE CIRCLE, SUITE 100
VIRGINIA BEACH, VIRGINIA 23455
TEL 757-226-0081
FAX 757-226-9765

GRAPHIC SCALE 0 15' 30' 60'
SCALE: 1"=30' DATE: 11/17/09
PROJ.: CAPE HENRY16 FILE NO.: 6022.31
F.B. 12 PG. 78 SHEET 2 OF 2

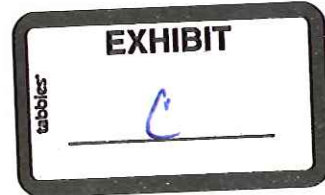
EXHIBIT B

Permanent Right-of-Way Easement and Temporary Construction Easement To the City of Norfolk From Calvin Leroy King

All those certain lots, pieces or parcels of land situate, lying and being in the City of Norfolk, Virginia, said parcels being further described as follows: Those parcels labeled, "Permanent Right-of-Way Easement to Be Dedicated to the City of Norfolk" and "Temporary Construction Easement to Be Dedicated to the City of Norfolk" as shown on an exhibit entitled, "Exhibit Showing Permanent Right-of-Way Easement and Temporary Construction Easement to Be Dedicated to the City of Norfolk, Virginia Located on Property of Calvin Leroy King (Instr. 090022752), Norfolk, Virginia," said exhibit being dated November 17, 2009 by Blakeway Corp. of Virginia Beach, Virginia, and sealed on August 18, 2010.

The above-described Temporary Construction Easement contains 0.009 acre of land, more or less, and the Permanent Right-of-Way Easement contains 0.001 acre of land, more or less.

August 20, 2010



Prepared by: Office of the Norfolk City Attorney
Return to: Office of the Norfolk City Attorney
Tax Map Reference No.: 4770-0500
Title Insurance Underwriter: n/a
Consideration: \$300.00

This Deed is exempt from recordation taxes imposed
by Section 58.1-801 of the Code of Virginia, 1950,
as amended, pursuant to Section 58.1-811(A)(3).

THIS DEED OF EASEMENT, made this ____ day of _____, 2011, by and
between CALVIN LEROY KING, Grantor, and the CITY OF NORFOLK, a municipal
corporation of the Commonwealth of Virginia, Grantee, whose address is City Hall Building, 810
Union Street, Norfolk, Virginia, 23510.

WITNESSETH:

WHEREAS, Grantor is the owner of certain property located in the City of Norfolk, Virginia,
as shown on that certain exhibit plat attached hereto as Exhibit A; and

WHEREAS, Grantee has undertaken a right-of-way improvement project that extends into
the property owned by Grantor, as shown on Exhibit A; and

WHEREAS, Grantee has requested Grantor to grant a perpetual easement over Grantor's
property as shown on Exhibit A to permit the right-of-way improvements; and

WHEREAS, Grantee has also requested Grantor to grant a temporary construction easement
as shown on Exhibit A for the purpose of providing a staging area, temporary work spaces, and
construction site access for the period of time that is required for the right-of-way improvements to
include the constructing, maintaining, adding to, replacing or installation of storm drainage
improvements, curbs and sidewalks, and making the corners compliant with handicap accessible
requirements; and

WHEREAS, Grantor is agreeable to granting the said easements to Grantee.

NOW, THEREFORE, for and in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee, its successors and assigns, a perpetual easement and a temporary construction easement as shown on Exhibit A and described in Exhibit B.

The said perpetual easement shall be for the purpose of constructing, maintaining, adding to, replacing or installing storm drainage improvements, curbs and sidewalks, as well as making the corners compliant with handicap accessible requirements. The perpetual easement is subject to the following conditions:

1. All structures and appurtenant facilities which are installed or placed in the easement shall be and remain the property of Grantee, its successors and assigns.
2. Grantee and its agents shall have full and free use of the said easement for the purposes named, and shall have all rights and privileges reasonably necessary to the utilization of the easement.
3. Grantee shall have the right to trim, cut and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or near the easement being conveyed, deemed by it to interfere with the proper and efficient construction and maintenance of the right-of-way improvements in the said easement.
4. Grantor reserves the right to make any use of the easement herein granted which may not be inconsistent with the rights herein conveyed or interfere with the use of said easement by Grantee for purposes named; provided, however, that Grantor shall not erect any roadway, building, or other structure on the easement without obtaining prior written approval of Grantee.

The said temporary construction easement shall be for the purpose of providing a staging area, temporary work spaces, and construction site access for Grantee during the entire period of the installation of the right-of-way improvements. Said temporary construction easement is subject to the following conditions:

1. The term of the temporary construction easement shall be for such period of time as is necessary for Grantee to complete the right-of-way improvement project and Grantee agrees that the work shall be pursued as diligently and expeditiously as reasonably possible.

2. Grantee agrees to repair or to pay for any actual damage caused by Grantee in the exercise of any of the rights granted in this deed, to the extent required by law; provided, however, that Grantee shall not be liable for any damages caused in the said temporary construction easement by the clearing of any obstacles or obstructions that interfere with Grantee's use of the easement as set forth herein.

3. At the conclusion of all construction work, Grantee shall restore the area of the temporary construction easement to its state and condition immediately prior to the commencement of the project.

The terms, covenants, and provisions set forth herein shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

Grantor covenants that Grantor has the right to convey the easements herein granted.

WITNESS the following signatures and seals:

(SIGNATURE PAGES TO FOLLOW)

CALVIN LEROY KING

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in
the Commonwealth of Virginia, whose term of office expires on the _____ day of _____,
20__, do hereby certify that Calvin Leroy King, whose name is signed to the foregoing deed of
easement dated the _____ day of _____, 2011, has acknowledged the same
before me in my City and State aforesaid. He is personally known to me or has produced a driver's
license as identification.

Given under my hand this _____ day of _____, 2011.

Notary Public

Registration No. _____

The signature of Marcus D. Jones, City Manager, or his duly authorized Assistant City Manager, is affixed hereto on behalf of the Council of the City of Norfolk, Virginia, pursuant to an ordinance duly adopted by the City Council, to evidence the acceptance of this Deed by the City, in accordance with Section 15.2-1803, Code of Virginia, 1950, as amended.

CITY OF NORFOLK

By: _____ (SEAL)
City Manager

Attest:

City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the _____ day of _____, 20__, do hereby certify that Marcus D. Jones, City Manager, or his duly authorized Assistant City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing deed of dedication and easement dated this _____ day of _____, 2011, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2011.

Notary Public

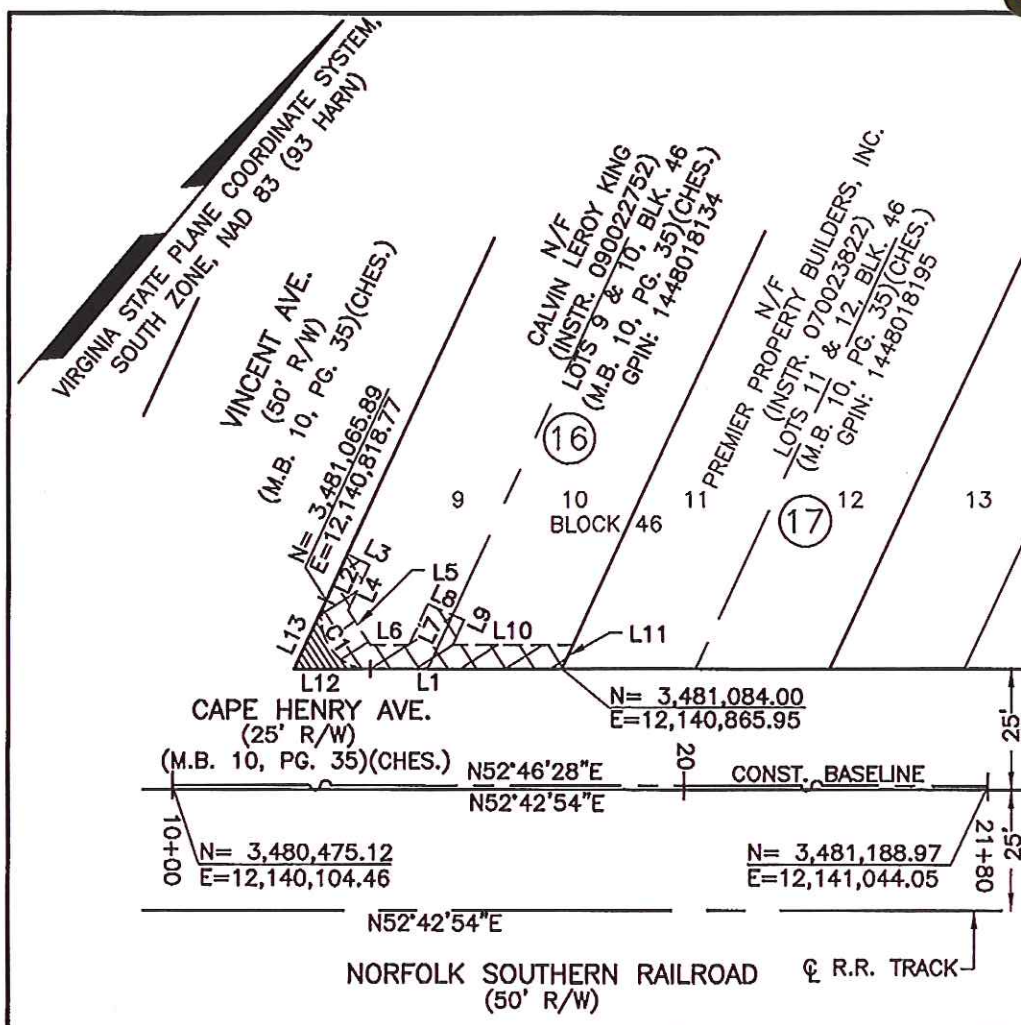
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Contents Approved:


Director of Public Works

Approved as to Form and Correctness:

Deputy City Attorney



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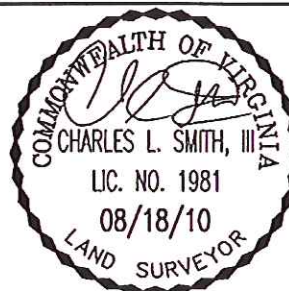
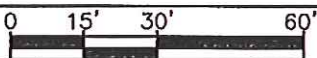


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F.B. 12 PG. 78 SHEET 1 OF 2

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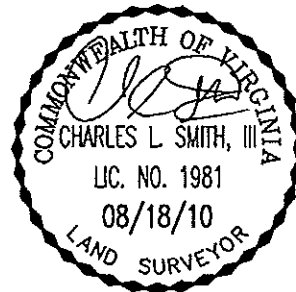


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From Calvin Leroy King**

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